

Remarks:

Claim 5 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This objection was noted and claim 1 was amended accordingly.

Claim 6 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection was noted and claims 1 and 2 were amended accordingly.

Claim 1 was rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tull. Tull's tool was designed to cut a hole in a leather harness and to do so Tull uses a cutter separate from a plier type tool that must be bolted to one of the jaws of the plier type tool in order to function as a cutting tool. The currently amended independent claim 1 and the currently amended dependent claim 2 recites tools wherein the cutting edge is an intricate part of the jaws of a plier type tool thereby eliminating the need of a separate cutting feature. The currently amended independent claim 1 and the currently amended dependent claim 2 eliminates one of the features which are presented in Tull's tool and recites features that are not present in Tull's tool. Applicant submits that the currently amended independent claim 1 and the currently amended dependent claim 2 clearly recites novel physical features which distinguish over Tull under section 102. The novel physical features of the currently amended independent claim 1 and the currently amended dependent claim 2 provides new and unexpected results, that is, a tool that provides for cutting a round end on a cable tie when the tie is inserted through the nose of

the tool, and should be considered unobvious, making the currently amended independent claims 1 and the currently amended dependent claim 2 patentable over Tull under section 103.

By the same reasoning cited above Applicant submits that the new claims 7 and 8 clearly recites novel and physical features which distinguish over Tull under section 102 and provide new and unexpected results and should be considered unobvious, making the new claims 7 and 8 patentable over Tull under section 103.

The new independent claim 9 provides for a tool wherein the cutting edges are an intricate part of the jaws of a plier type tool and wherein the jaws are extended beyond the cutting edges providing jaws for gripping the cable tie and pulling the tie through the locking head on the cable tie. The new independent claim 9 eliminates the need for a separate cutting edge required by Tull's tool and recites features which are not present in Tull's tool. Applicant submits that claim 9 clearly recites novel physical features which distinguish over Tull under section 102. The novel physical features of claim 9 provide new and unexpected results, that is, the ability to pull a cable tie through the locking head and cut the tie off at the locking head leaving a smooth round cut on the end of the tie. The other cited references (Falan and Osborne) have been studied but are submitted to be less relevant than the cited reference (Tull).

Falan's combination farm tool contains a hammer head and claws, a tack puller, a screw driver, a hoof trimmer, a wire tightener, pliers. and wrenches none of which pertain to cutting cable ties. The Applicant's invention does not contain any of these tools and in therefore novel over Falan. Falan's tool contains a wire cutter and a pair of nippers that can make a straight cut across a cable tie but will not make a round cut across the tie. The

currently amended independent claim 1 and the currently amended dependent claim 2 and the new claims 7,8, and 9 are submitted to be patentable over Filan because (1) they recite novel structure and thus distinguish physically over the reference under section 102, and (2) these novel and physical features provide new and unexpected results and hence should be considered unobvious, making the claims patentable under section 103.

Osborn's tool is constructed to cut notches on the end of data cards and is incapable of cutting a cable tie leaving a round end on the cable tie. The tool does not provide a means of passing the cable tie through the body of the tool to the point where it is desired to cut the cable tie. Osborn provides a compartment in the body of the tool to contain the notched material cut from the data card. This compartment is not needed on a tool for cutting cable ties. The currently amended independent claim 1 and the currently amended dependent claim 2 and the new claims 7,8, and 9 eliminates some of the physical features in Osborn's tool and recites physical features which are not present in Osborn's tool.

Applicant submits that the currently amended independent claim 1 and the currently amended dependent claim 2 and the new claims 7,8, and 9 clearly recites novel physical features which distinguish over Osborn under section 102 and that these novel physical features provide new and unexpected results and hence should be considered unobvious, making the currently amended independent claim 1 and the currently amended dependent 2 and the new claims 7,8, and 9 patentable over Osborn under section 103.

Applicant submits that the currently amended independent claim 1 and the currently amended dependent claim 2 and the new claims 7,8, and 9 recite novel physical features which are not present in any of the cited references thereby distinguishing these claims over all cited references under section 102, and these novel physical features provide new

and unexpected results and hence should be considered unobvious, making the claims patentable under section 103.

Applicant submits that there are secondary factors that should be considered when determining the unobvious of the applicants amended claims in that they solve an unrecognized problem. The problem that the Applicant's invention solves is a health and discomfort problem that has not been obvious to the workers in the field, that is, the need to remove the sharp edges left when cable ties are cut with straight edge cutters wherein workers can experience the discomfort of being pricked and cut by the sharp edges to the point of bleeding thereby providing a source of infection. The large number of cable tie cutting tools that have been patented since the invention of cable ties, all of which make a straight cut across the cable tie, are evidences that the workers in the field have not recognized the problem or have failed to take action to solve it.

The Applicant has made a diligent effort to present claims for this application so that they define novel structures, which is also believed to render the claimed structures unobvious because they produces new and unexpected results. If for any reason the claims of this application are not believed to be in full condition for allowance, Applicant respectfully request constructive assistance and suggestions of the examiner in drafting one or more acceptable claims pursuant to MPEP 707.07 (j) or in making constructive suggestions pursuant to MPEP 707.07 (d) in order that this application can be placed in allowance without the need for further proceedings.


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